

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ATANACIO G. SAMBRANO,)	
)	
Plaintiff,)	
)	
v.)	No. 09 C 6363
)	
RAY MABUS, Secretary, Department)	
of the Navy,)	
)	
Defendant.)	

MEMORANDUM ORDER

Atanacio Sambrano ("Sambrano") has used the Clerk's-Office-supplied form of Complaint of Employment Discrimination to bring suit against Secretary Ray Mabus of the United States Department of the Navy, alleging that he has been discriminated against because of his age, color, national origin and race and as a matter of reprisal--all in conjunction with his long-term employment as a Grade 11 Civil Engineer. But Sambrano's Complaint and attached exhibits indicate that the merits of his claim are not reachable because this lawsuit appears to be hopelessly untimely.

Complaint ¶7.2.2 (sic--should be 7.2(b), but the form contains a typographical error) states that Sambrano received an adverse Final Agency Decision on November 9, 2007. That allegation tracks the attached exhibits, for Sambrano's formal Complaint of Discrimination was filed in March 2006, and the final decision letter from the Department of the Navy's Office of EEO Complaints Management and Adjudication was dated October 29,

2007. In addition to that letter's analysis of Sambrano's claim and its statement of reasons for denial, the letter explained his alternative rights to appeal to the EEOC or to file a lawsuit, in each instance stating the short time limits that were allowed for taking such action.

Unless Sambrano can present something more to rescue his action from a dismissal based on untimeliness, this Court will be constrained to order such a dismissal. Sambrano is ordered to file in this Court's chambers on or before October 28, 2009 either (1) a statement (with any appropriate exhibits attached) that evidences timeliness or (2) a statement acknowledging that the present Complaint and its exhibits are the only relevant documents in that respect. If nothing is received by this Court on or before that October 28 date, a dismissal order will be entered forthwith.



Milton I. Shadur
Senior United States District Judge

Date: October 14, 2009